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SENATE

REPORT
102-90

AFRICAN AMERICAN HISTORY LANDMARK THEME STUDY ACT

JUNE 21 (legislative day, JUNE 11), 1991.—Ordered to be printed

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Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany H.R. 904]

The Committee on Energy and Natural Resources, to which was referred the act (H.R. 904) to direct the Secretary of the Interior to prepare a national historic landmark theme study on African American history, having considered the same, reports favorably thereon with amendments and recommends that the act, as amended, do pass.

The amendments are as follows:

1. On page two, strike line 2 in its entirety and on line three strike the words "of this Act, the" and insert in lieu thereof the following: "(a) The".

2. On page two after line 23, insert the following new subsection:

(e) The theme study shall be completed not later than 3 years after the date funds are made available for such study.

PURPOSE OF THE MEASURE

The purpose of H.R. 904, as ordered reported, is to authorize and direct the Secretary of the Interior to prepare a National Historic Landmark theme study on African American history.

BACKGROUND AND NEED

African Americans now comprise about 12 percent of the total population of the United States, the largest minority group in the country. While some parts of African American history are specifically represented in the National Park System, much of African American history is neither preserved nor interpreted, either in

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units of the National Park System or as National Historic Landmarks. Only 88 of the 1,967 National Historic Landmarks relate directly to African American History.

LEGISLATIVE HISTORY

H.R. 904, introduced by Congressman Lewis of Georgia, passed the House of Representatives by a voice vote on May 7, 1991. Identical legislation, S. 639, was introduced in the Senate by Senator Fowler on March 13, 1991. The Subcommittee on Public Lands, National Parks and Forests held a hearing on both bills on May 21, 1991.

At the business meeting on June 12, 1991, the Committee on Energy and Natural Resources ordered H.R. 904, as amended, favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on June 12, 1991, by a unanimous vote of a quorum present, recommends that the Senate pass H.R. 904, if amended as described herein.

The roll call vote on reporting the measure was 20 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Bradley [1]	
Mr. Bingaman	
Mr. Wirth	
Mr. Conrad [1]	
Mr. Akaka	
Mr. Fowler [1]	
Mr. Shelby	
Mr. Wellstone [1]	
Mr. Wallop	
Mr. Hatfield	
Mr. Domenici [1]	
Mr. Murkowski [1]	
Mr. Nickles	
Mr. Burns	
Mr. Craig	
Mr. Seymour [1]	
Mr. Garn [1]	

[1] Indicates voted by proxy.

COMMITTEE AMENDMENTS

During the consideration of H.R. 904, the Committee adopted two amendments to modify the completion date of the theme study. As introduced, the Secretary of the Interior is directed to complete the theme study within 3 years after the date of enactment. The amendments adopted by the Committee change the completion date to 3 years after the date funds are made available for the

theme study. The Committee notes that these amendments are consistent with other study bills reported from the Committee, and are supported by the National Park Service.

SECTION-BY-SECTION ANALYSIS

Section 1 entitles the Act the "African American History Landmark Theme Study Act".

Section 2(a) directs the Secretary of the Interior (the "Secretary") to prepare and transmit to Congress a National Landmark theme study on African American history.

Subsection (b) provides that the purpose of the theme study shall be to identify the key sites in the history and experience of those Americans who trace their origins to Africa so that all Americans will gain a better understanding of American history.

Subsection (c) states that the theme study shall identify, evaluate, and nominate as national historic landmarks the sites and structures that illustrate or commemorate African American history.

Subsection (d) provides that on the basis of the theme study, the Secretary shall identify possible new parks appropriate to the theme of African American history and prepare a list of the most appropriate sites, including their feasibility and suitability for inclusion in the National Park System.

Subsection (e) requires that the Secretary complete the theme study not later than 3 years after the date funds are made available for the study.

Section 3 requires the Secretary to prepare the theme study in consultation with scholars of African American history and historic preservationists.

Section 4 directs the Secretary to enter into a cooperative agreement with one or more scholarly and public historic organizations to prepare the theme study and ensure that the theme study is prepared in accordance with generally accepted scholarly standards.

Section 5 authorizes the appropriation of $500,000 to carry out the Act.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 14, 1991.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 904, an act to direct the Secretary of the Interior to prepare a national historic landmark theme study on African American history, as ordered reported by the Senate Committee on Energy and Natural Resources on June 12, 1991. Implementation of this legislation would cost the federal government up to $500,000, assuming appropriation of the necessary sums. The act

would not affect pay-as-you-go scoring under Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

H.R. 904 would direct the Secretary of the Interior to conduct a three-year study to identify key sites in the history and experience of African Americans, and on the basis of the study, to prepare a list of the most appropriate sites for inclusion in the National Park System. The study would be carried out through cooperative agreements with scholarly and historical organizations. The act would authorize the appropriation of $500,000 for this purpose. Assuming appropriation of the authorized sums, CBO estimates that the National Park Service would spend most of the $500,000 during fiscal years 1992 and 1993. Enactment of this legislation would have no impact on the budgets of state or local governments.

On April 29, 1991, CBO prepared a cost estimate for H.R. 904 as ordered reported by the House Committee on Interior and Insular Affairs on April 24, 1991. The two estimates are identical.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226–2860.

Sincerely,

ROBERT F. HALE
(For Robert D. Reischauer, Director).

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 904. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 904, as ordered reported.

EXECUTIVE COMMUNICATIONS

On May 13, 1991, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth executive views of H.R. 904. These reports had not been received at the time the report on H.R. 904 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the National Park Service at the Subcommittee hearing follows:

STATEMENT OF JERRY L. ROGERS, ASSOCIATE DIRECTOR, CULTURAL RESOURCES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, I appreciate the opportunity to provide your Subcommittee with the views of the Department of the Interior on S. 639. There is also pending before the

Committee H.R. 904, a similar bill that passed the House of Representatives on May 7, 1991.

We believe there is adequate authority under existing law to accomplish the studies proposed in S. 639 and H.R. 904, and in fact, some properties associated with African American history have already been studied. Nonetheless, we support the enactment of either bill. We also suggest certain improvements in order to facilitate the study.

Both bills would direct the Secretary of the Interior within 3 years after enactment to prepare and transmit to Congress a National Historic Landmark Theme Study. The theme to be studied is African American history. Both bills direct the Secretary to identify possible new park units and discuss the feasibility and suitability of their inclusion in the National Park System; both bills also direct the Secretary to enter into cooperative agreements with organizations to prepare the theme study and ensure that it meets scholarly standards. The bills would authorize the appropriation of $500,000 to carry out the study.

Section 2(b) of the Historic Sites Act of 1935 authorizes the Secretary of the Interior to make a survey of historic and archaeologic sites, buildings, and objects for the purpose of determining which possess exceptional value in commemorating or illustrating the history of the United States. Section 4 of that Act also authorizes the Secretary, in administering the provisions of the Act, to seek and accept the assistance of any Federal, State, or municipal agency or any educational, scientific or patriotic association or any individual.

Under the authority of the 1935 Act, the National Park Service has conducted studies of many of the broad themes in American history. These studies identify which sites are of national significance, and thereby eligible for designation as National Historic Landmarks.

One of the broad themes of American History that we have identified is Ethnic and Minority History. Under this theme history associated with all immigration after the Colonial period would be examined, including subthemes associated with specific nationalities and minorities.

In fact, the subtheme related to African American history was the subject of a landmark theme study in the late 1970s. Pursuant to that study and later related individual studies, which took 3 years to complete, a total of 88 National Historic Landmarks have been designated. There are gaps in landmark recognition in this area, however, such as the Freedmen's Villages of the Civil War and Reconstruction Era, and additional study would be appropriate. Since a theme study on this subject has already been done, the Committee might wish to amend either S. 639 or H.R. 904 to provide for a review of that study and updating it where necessary to include subject matter that was left out earlier.

We would note at this point, Mr. Chairman, that the 2-year Underground Railroad study required by Title VI of

the Arizona Desert Wilderness Act of 1990 can be done consistently with an expanded African American theme study as proposed in the pending legislation. The 1990 law requires a study of potential new units of the National Park System and development of alternatives for preservation and interpretation. Designating and linking sites and programmatic initiatives are also called for in the 1990 law. The significance of Underground Railroad sites will be considered in any expanded African American theme study that we may conduct under this legislation, if it is enacted. No funding for the Underground Railroad study has been provided to date. We are also mindful of the requirement in section 1209 of the Arizona Desert Wilderness Act of 1990 to completely revise the National Park Service Thematic Framework. This revision is due to your Committee by the end of May 1992. We do not expect that the broad themes and subthemes represented in S. 639 and H.R. 904 would be deemphasized as a result of the revision required under Section 1209 of the 1990 Act.

Mr. Chairman, we request that the following concerns be addressed when the bills are considered by the full Committee. Completion of this theme study in a consistent and comprehensive manner will be facilitated if these concerns are addressed.

1. The bills require completion of the study within 3 years after enactment instead of within 3 years after funds are made available therefor.

We would prefer that the deadline be effective from the date that funds are made available for the study, which is similar to the Underground Railroad study. Without the necessary funds to complete this study, we would have to use funds identified for other studies in order to meet the 3-year deadline, and other earlier commitments could not be met. In addition, funding for this study would be subject to the budgetary priority setting process.

2. Both bills require that the theme study identify possible locations, components, and features of new park units. Studies of new park units require consideration of suitability and feasibility, which are not required in the usual history theme study. The theme study identifies sites that are potentially nationally significant. We believe a determination of national significance, through the medium of the theme study, should precede any formal suitability study of possible new park units.

3. The bills require that the Secretary enter into cooperative agreements with organizations to prepare the theme study and ensure that the study meets scholarly standards. National Park Service historians are qualified to prepare the study, and if we need to contract for portions of it the Service already has the option of concluding cooperative agreements. We cannot be sure, at this stage, that external groups or organizations would be willing and capable of conducting the study. I can assure the Subcommittee, however, that we will, in any case, seek review of the study by

qualified historians outside the Service. If we conclude that contracts or cooperative agreements are desirable to accomplish the study, it is our intention to enter into such contracts or agreements through competitive bidding.

4. We recommend that the authorization in be changed to $250,000.

This amendment reflects our estimate of the cost of the theme study.

This concludes my prepared remarks, Mr. Chairman. I would be pleased to respond to your questions.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the Act H.R. 904, as ordered reported.

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